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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

JUNG, MIN

ART UNIT PAPER NUMBER

2663

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/730,579

Applicant(s)

GRONKE, EDWARD P.

Examiner

Min Jung

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 December 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 27-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification does not teach mapping of a first virtual port to a second virtual port. The present invention as described in the specification is the remapping of the current virtual port to a different physical port when there is a failure in switch fabric. Therefore, the mapping of the first virtual port to a second virtual port in the context of the teaching is not enabling.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-5 and 28-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, line 2, "physical first" should be ----first physical-----.

Art Unit: 2663

In claim 28, line 4, and claim 31, line 5, "a second physical port", second occurrence, seems to be in error; should it be changed to -----a second fabric----?

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Gai et al., US 6,678,241 (Gai).

Gai discloses a method and system for switching logical VLAN associated with a first physical VLAN to a second, backup physical VLAN in the failure situation. Gai teaches establishing a channel or connection from a first physical port, the first physical port being mapped to a first virtual port (the topology switch engine 308 designates an active physical VLAN for each logical VLAN, at col. 12, lines 55-58, and port

Art Unit: 2663

configuration entity 314 associates each access port associates each access port 302d-302h that is directly coupled to members of the logical VLAN with the designated physical VLAN, at col. 13, lines 5-8, with the virtual port being a red logical VLAN for example, at col. 13, lines 21-22, note that access port 302h in the switch 230 is mapped/associated with the red logical VLAN and since purple physical VLAN has been selected for red logical VLAN, the port 302h is associated with the purple physical VLAN); identifying a second physical port (Gai identifies a second, backup physical VLAN with which different physical ports are associated, thereby identifying a second physical port, col. 14, lines 17-19); remapping the virtual port to the second physical port to move the connection to the second physical port (physical ports are remapped by performing the remapping of physical VLAN, note that the port configuration entity 314 changes the VLAN association of each access port coupled to members of the red logical VLAN from the purple VLAN to the orange VLAN, col. 14, lines 30-51).

Gai further teaches the node structure and functions as claimed. The node in Gai, as shown in Fig. 3, comprises a plurality of physical ports (302a-302h) and a plurality of virtual ports (plurality of logical VLAN in Gai because logical VLAN inherently carries the virtual port characteristic in that physical port can dynamically be associated with logical VLAN). In Gai, each physical port of switch 230 is connected to different fabric (switching nodes 232-242), and virtual-to-physical port map is stored in topology state machine engine 318 along with the port configuration entity 314 associating each access port 302d-302h to members of logical VLAN with the designated physical VLAN

Art Unit: 2663

(col. 12, lines 25-33, and col. 13, lines 3-8), and the port map is updated when there is a change (col. 14, lines 47-51).

The channel adapter reads on the frame transmission and reception objects 304 because it functions so that frames received at a given port may be captured and frames to be transmitted may be driven onto a given port thereby channeling the data. See col. 8, lines 20-24. Gai teaches node including work queues. See 8, lines 24-26. Gai teaches the local channel context stored in forwarding entity 312 in combination with the forwarding databases 320a-c. See col. 8, lines 58-62.

Note, that the limitations regarding the 112 first paragraph issues have not been addressed in this rejection, because meaning of limitation is not understood in the context of applicant's teaching.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Blanc et al. Patent, the Hall, Jr. et al. patent, the Terasaki patent, the Feagans patent, the Howes et al. patent, and the Sugihara patent are cited for further references.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Min Jung whose telephone number is 703-305-4363.


The examiner can normally be reached on Monday-Friday, 7AM-3PM.

Art Unit: 2663

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ  
March 29, 2004

  
Min Jung  
Primary Examiner